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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,458	07/09/2001	Jeffrey Nichols	007230.00003	4242
22907 7590 12/15/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
WALSH, JOHN B				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/900,458

**Applicant(s)**

NICHOLS ET AL

**Examiner**

John B. Walsh

**Art Unit**

2451

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 67, 70, 74, 75, 77, 79, 80, 82, 83, 85-87, 89 and 90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 67, 70, 74, 75, 77, 79, 80, 82, 83, 85-87, 89 and 90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 67, 70, 74, 75, 77, 79, 80, 82, 83, 85-87, 89 and 90 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 67, 70, 74, 75, 77, 79 and 80 are drawn to a portal. It appears the applicant is claiming an apparatus/machine. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Therefore the claim does not satisfy a machine for the purposes of 101.

Claims 82, 83, 85-87, 89 and 90 are drawn to a method. For purposes of 101, a “process” has been given a specialized, limited meaning by the courts. A 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Neither of these requirements are met by the claims, thus the method is not a patent eligible process under 101 since it is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 77 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 77 recites the portal retrieves information from a public Internet site. Independent claim 67 recites the portal is not visible to the Internet. The applicant's remarks of August 7, 2008, on page 7 indicate the prior art does not recite this limitation since it has indirect connections to the Internet. Therefore it is unclear how the portal can retrieve information from the Internet if it has not connections to the Internet.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. As best understood claims 67, 70, 74, 75, 77, 79, 80, 82, 83, 85-87, 89 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,233,992 to Muldoon et al. in view of U.S. Patent No. 6,148,337 to Estberg et al.

As concerns claim 67, a portal for a private network exchange having multiple service providers, comprising an authentication resource configured to: receive a request to log into the private network (column 3, line 63; column 2, line 43) exchange; access a profile (column 4, lines 63-64) of a user associated with the request; authenticate the user (column 4, lines 8-10; column 6, lines 19-28) associated with the request to a plurality of applications associated with the private network exchange; receive a selected application (column 2, line 56) of the plurality

of applications; and send data representing an authorization of the user to access the plurality of applications to the selected application (column 4, lines 8-10; column 6, lines 19-28); wherein the portal is not visible to the Internet (column 4, line 1; column 1, lines 37-47); wherein the request to log into the private network exchange is received from a first company (col. 1, line 48- a first company of the different companies; col. 4, lines 58-59), wherein the data representing the authorization of the user to access the plurality of applications is sent to the selected application, the first service provider being different from the second service provider (providers are providing for different companies).

As concerns claims 70 and 83, wherein the profile includes service authorizations representative of services to which the user is authorized to access and groups to which the user belongs (column 4, lines 63-64).

As concerns claims 74 and 85, wherein the portal is accessible through a web-browser (column 2, line 42).

As concerns claims 75 and 86, wherein the portal comprises a set of web pages (column 2, line 42).

As concerns claims 77 and 87, wherein the portal is configured to retrieve information from a public Internet site and to display the retrieved information (column 2, lines 43-49).

As concerns claims 79 and 89, the authentication resource is further configured to generate the data (column 6, lines 19-28).

As concerns claims 80 and 90, the data is a user object (column 6, lines 12-37).

As concerns claim 82, a portal for a private network exchange having multiple service providers, a method for representing an authorization to access a plurality of applications

comprising: receiving a request to log into the private network (column 3, line 63; column 2, line 43) exchange; accessing a profile (column 4, lines 63-64) of a user associated with the request; authenticating (column 4, lines 8-10; column 6, lines 19-28) the user associated with the request to a plurality of applications associated with the private network exchange; receiving a selected application (column 4, lines 8-10; column 6, lines 19-28) of the selected applications; and sending data representing an authorization of the user to access the plurality of applications to the selected application (column 4, lines 8-10; column 6, lines 19-28); wherein the portal is not visible to the Internet (column 4, line 1; column 1, lines 37-47); wherein the request to log into the private network exchange is received from a first company (col. 1, line 48-a first company of the different companies; col. 4, lines 58-59), wherein the data representing the authorization of the user to access the plurality of applications is sent to the selected application, the first service provider being different from the second service provider (providers are providing for different companies).

Estberg et al. '337 disclose multiple service providers (fig. 1).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Muldoon et al. with service providers as taught by Estberg et al. in order to provide a means of connecting to networks. Such a modification is a combination of known elements yielding predictable results.

### ***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/  
Primary Examiner, Art Unit 2451